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JS-6

Attorney for Defendants, Counterclaimants  
William P. Thomas III, Frank Thomas, Carolyn Thomas Walters

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

BTM, LLC, an Arizona Limited ) CASE NO: SACV14-00414JVS(RNBx)  
Liability )  
Company ) Hon. James V. Selna  
 ) Courtroom 10C, Santa Ana Courthouse

Plaintiff, )  
v. )

WILLIAM P. THOMAS, III, an )  
individual; FRANK THOMAS, an )  
individual; CAROLYN THOMAS )  
WALTERS, an individual; and )  
BARBARA THOMAS, an )  
individual )

Defendants. )

AND RELATED ACTIONS )

**JUDGMENT**

Trial Date: August 18, 2015

This civil case was called for Trial before the Court, without a jury, on August 18, 2015. The Court heard closing arguments and the case was submitted to the

1 Court for a decision on August 20, 2015. The Court having heard all the  
2 testimony and considered all admissible evidence, as well as arguments of  
3 counsel and their respective proposed findings of fact and conclusions of law,  
4 entered its decision, in the record for its findings of fact and conclusions of law,  
5 on August 20, 2015.  
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8 After reviewing all of the evidence in this matter and findings of fact and  
9 conclusions of law having been rendered, and having considered the Objections  
10 of BTM, LLC (Docket No. 140),  
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12 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED,** that  
13 judgment be entered in favor of Defendants, William P. Thomas III, Frank  
14 Thomas, and Carolyn Thomas Walters, and against the Plaintiff, BTM, LLC an  
15 Arizona Limited Liability Company. Plaintiff, is to take nothing by way of it's  
16 First Amended Complaint.  
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19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED,** on the  
20 Counter Claim, brought by Counter Claimants, William P. Thomas III, Frank  
21 Thomas, and Carolyn Thomas Walters, and against the Plaintiff, BTM, LLC that  
22 the Counterclaimants are entitled to a Declaration that the Authorization  
23 Agreement dated December 28, 2015 between William P. Thomas II and BMT,  
24 LLC terminated upon William P. Thomas II's death by operation of law, on  
25 October 10, 2009. Defendants are not subject to any Specific Performance  
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1 obligation to Plaintiff, and that the Authorization Agreement having terminated is  
2 not binding on the Defendants. The Authorization Agreement is no longer  
3 enforce, and whatever intellectual property rights granted to Plaintiff in the  
4 Authorization Agreement have lapsed, and that there is no right on the part of  
5 BTM, LLC to use any intellectual property rights, whatever their scope maybe  
6 under the Authorization Agreement. This Declaration relates solely to rights  
7 granted under the Authorization Agreement, and shall have no effect on any  
8 separate claim to ownership of intellectual property rights, including without  
9 limitation trademark and copyright rights. The Declaration that the Authorization  
10 Agreement terminated is correct.  
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15 The Defendants, William P. Thomas III, Frank Thomas, and Carolyn  
16 Thomas Walters, are the prevailing parties in this action and are entitled to  
17 recover cost.  
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20 DATED: September 01, 2015

21  
22 By:   
23 Honorable, James V. Selna  
24 Judge of the District Court  
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**CERTIFICATE OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am employed in the aforesaid county, State of California. I am over the age of 18 and not a party to the within action; my business address is Law Offices of Peter F. Musielski, 7700 Irvine Center Drive, Suite 800 Irvine, California 92618

On August 24, 2015 I served the **JUDGEMENT** on the interested parties in this action:

( ) **[BY MAIL] (C.C.P. § 1013a(3))**: I am readily familiar with the business practice of my place of employment in respect to the collection and processing correspondence, pleadings and notices for mailing with the United States Postal Service. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at Irvine, California, in the ordinary course of business.

**( X ) BY E-MAIL OR ELECTRONIC TRANSMISSION)**

I transmitted a PDF version of this document by electronic mail to the party(s) identified on the attached service list using the e-mail address(es) indicated.

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saheath@heathsteinbeck.com

1 ( X ) **(FEDERAL)** I declare under penalty of perjury pursuant to the laws of  
2 the United States of America that the foregoing is true and Correct. I am  
3 employed in the offices of a member of the Bar of this Court at whose direction  
4 the service was made.

5 Executed on August 24, 2015, here at Irvine, California.

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7 Peter F. Musielski, Esq.  
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